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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/759,011 | 01/20/2004 | Yoshikazu Muraoka | 118379 | 6831 |
| 25944 | 7590 | 12/07/2005 | | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | EXAMINER CHERRY, STEPHEN J | |
| | | | ART UNIT 2863 | PAPER NUMBER |

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/759,011 | MURAOKA, YOSHIKAZU | |
| | Examiner | Art Unit | |
| | Stephen J. Cherry | 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-7 are objected to because of the following informalities:

1. The phrase "adapted to" at line 6 of claim 1 is indefinite because it is unclear whether the synchronous movement is required (see MPEP 2111.04)
2. The recitation of "the manner" at line 11 of claim 1 lacks antecedent basis in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the workpiece, described at line 8 of claim 1, is within the intended scope of the claim. Applicant is invited to consider the language, "the measuring instrument capable of measuring a dimension of a workpiece...".

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 887,994 to Bartram.

Claim 1 recites, as disclosed by Bartram:

1. (Currently Amended) A measuring instrument, comprising:
an arm provided with a detector at a distal end thereof ('994, fig. 6, ref. 14), the arm including a plurality of short arms comprising a first short arm and a second short arm ('994, fig. 1, each set of "lazy tongs" 10, with collars 7-9) ;
a support for supporting the arm in a manner movable in an axial direction thereof ('994, fig. 1, ref. 3); and
drivers being adapted to synchronously move the first short arm and the second short arm in the axial direction of the first short arm ('994, fig. 1, ref. 11 and 12),
the measuring instrument measuring a dimension of a workpiece based on a position of the detector ('994, col. 1, line 15),
the short arms being sequentially disposed on the support, and the short arms being respectively supported in the manner movable relative to one another ('994, fig. 1).

Claim 2 recites, as disclosed by Bartram:

2. (Previously Presented) The measuring instrument according to claim 1, wherein the drivers are synchronous drivers that are synchronously driven, and the first short arm and the second short arm are driven in an interlocking manner ('994, fig. 1, each lazy tong, 10, drives adjacent lazy tong, 10).

Claim 3 recites, as disclosed by Bartram:

3. (Previously Presented) The measuring instrument according to claim 2, the first short arm being supported by the support and a second short arm being provided next to the first short arm and having the detector at a distal end thereof ('994, fig. 1, 14 at end of 10), and wherein the synchronous driver has a first moving mechanism for moving the first short arm in the axial direction and a second moving mechanism for moving the second short arm in the same direction as the moving direction of the first short arm in synchronization with the first moving mechanism ('994, fig. 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 3,940,982 to Hironaka, 3,658,429 to Zipin, and 4,702,009 to Dighton et al disclose measuring devices with single drivers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC



MICHAEL NGHIEM
PRIMARY EXAMINER